

Federal Reimbursement Funding For Disasters



There are **TWO** names to know in emergency management: **FEMA and FHWA**

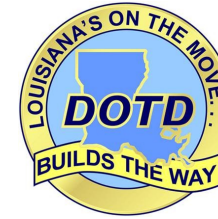
FEMA is a household name when it comes to disasters. In the past 5 hurricane seasons, FEMA has allocated LADOTD approximately 147 Million dollars in disaster recovery funding and additional funding is expected. Louisiana is considered one of the largest recipients of FEMA Public Assistance funds.

FHWA, on the other hand, is less talked about—and less known about—but is equally important when it comes to disasters in Louisiana. Knowing about FHWA Emergency Relief (ER) assistance and how the program works may mean the difference in your parish or community's economic recovery taking months instead of years or decades. In the past 5 hurricane seasons, LADOTD has received approximately 1.2 Billion dollars from this important program.



SUMMARY OF FEDERAL FUNDING DIFFERENCES

	FHWA - ER	FEMA - PA
Guiding Policies	Highway Trust Fund 23 USC 120, 125 23 CFR 635, 668 Emergency Relief Manual (November 2009) http://www.dotd.la.gov/operations/emergency	Stafford Act, as amended 42 USC 645 44 CFR 204, 205, 206 Disaster Specific Guidance (DSG) Public Assistance Policy Digest (FEMA 321/January 2008) Public Assistance Guide (FEMA 322/June 2007)
Categories of Damage Coverage	Emergency repair <ul style="list-style-type: none"> made during and immediately following a disaster to restore essential traffic, to minimize the extent of damage, or to protect the remaining facilities (refer to FHWA ER Manual) Permanent repair <ul style="list-style-type: none"> Category of work not meeting the definition of Emergency Repair (refer to FHWA ER Manual) 	Emergency work <ul style="list-style-type: none"> Category A—Debris Removal Category B—Protective Measures Permanent work <ul style="list-style-type: none"> Category C—Roads and Bridges Category D—Water Control Facilities Category E—Buildings & Equipment Category F—Utilities Category G—Parks and Recreational Facilities
Typical Federal Cost Share	Roads on Federal Lands—100% All other Roads on the Federal-aid system: <ul style="list-style-type: none"> Emergency repairs—up to 100% within first 180 days Interstate Highways—90% Other Highways—80% 	All Categories (A-G): 75% minimum, may increase based on Presidential declaration cost share
Funding Requests	LADOTD District Offices	GOHSEP
Eligible Project Cost Threshold	≥\$5000 per site	Small Projects ≥ \$1000 Large Projects based on annual CPI
Debris Removal	Considered Emergency Repair Push —to restore travel on Federal Aid roadways (reimbursed at 100%) First Pass —first pass of debris removal collection along Federal Aid roadways (reimbursed at 100% for work completed within first 180 days)	Considered Emergency Repair First Push —to restore travel and protect health and safety on non-Federal Aid eligible roadways. Considered Category B—Emergency Protective Measures (reimbursed at 100% within the 72 hours Period) First Pass —first pass of debris removal collection along Non-Federal Aid roadways (private roads typically excluded). Considered Category A—Debris Removal (reimbursed at 75% for work completed within first 180 days) Additional Passes —subsequent debris removal collection passes required to eliminate the threat to public health and safety along ALL roadways (private roads typically excluded). Considered Category A—Debris Removal (reimbursed at 75% for work completed within first 180 days)
Mitigation	Betterments that add features to highway facilities for protection against possible future damage could be considered eligible, if they can be economically justified.	Hazard mitigation—prevents future damages, need supporting cost benefit analysis. 406 Mitigation



Louisiana Department of
Transportation and
Development

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Local governments have several federal funding sources to pay for repairs on the transportation infrastructure after a disaster occurs.

This brochure provides a brief description of the Federal Emergency Management Agency (FEMA) and the Federal Highway Administration (FHWA) programs for disaster funding, their differences, how they interact and where to obtain additional information.

Federal Highway Administration (FHWA) Emergency Relief (ER) Program:

Congress authorized a special program from the Highway Trust Fund for the repair or reconstruction of roads and bridges on the Federal-aid system which have suffered serious damage as a result of (1) natural disasters or (2) catastrophic failures from an external cause. By law, the FHWA can provide up to \$100 million in ER funding to a state for each natural disaster or catastrophic failure that is found eligible for funding under the ER program. (Copy of maps showing the Federal-aid system can be accessed through the Louisiana Department of Transportation and Development (LADOTD) website address shown on this brochure)

Approved ER funds are available at the pro-rata share that would normally apply to the federal-aid facility damaged. For Interstate highways, the federal share is 90 percent. For all other highways, the federal share is 80 percent. Emergency repair work to restore essential travel, minimize the extent of damage, or protect the remaining facilities, accomplished in the first 180 days after the disaster occurs, may be reimbursed at 100 percent federal share.

Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Grant Program:

To alleviate suffering and hardship resulting from major disasters or emergencies declared by the President, FEMA provides supplemental federal disaster grant assistance for the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain Private Non-Profit (PNP) organizations, as authorized in the Stafford Act, as amended.

The federal share of assistance is not less than 75% of the eligible cost for emergency measures and permanent restoration. The grantee (usually the state) determines how the non-federal share (up to 25%) is split with the sub-grantees that are typically local governmental subdivisions of the state and state agencies (a.k.a. eligible applicants). After a natural or man-made event that causes extensive damage, FEMA coordinates with the state to implement and administer the Public Assistance Grant Program. The funding process consists of the following steps:

- **Governor's Executive Order and Request for Federal Assistance**
- **Preliminary Damage Assessment (PDA)**
- **Presidential Disaster Declaration**
- **Applicants' Briefing led by Grantee (State)**
- **Submission of Request for Public Assistance by Sub-Grantee (Applicant)**
- **Kick-off Meeting with FEMA Public Assistance Coordinator (PAC)**
- **Project Formulation and Cost Estimating**
- **Project Review and Validation**
- **Obligation of Federal and State Funds and Disbursement to Sub-grantees**
- **Final Inspections and Appeals**
- **Administrative and Financial Closeout**

With certain exceptions, an eligible facility is any building, public works facility, system, or equipment that is built or manufactured, or any improved and maintained natural feature that is owned by an eligible public or private nonprofit (PNP) applicant.

General Eligibility Criteria for all work

- Result of declared event
- Located in designated disaster area
- Not be under the specific authority of another federal agency
- Legal responsibility of an eligible applicant
- Be in active use at the time of the disaster

Debris Specific Criteria:

Must be in the "Public Interest," as defined by the ability to:

- Eliminate immediate threat to life, public health or safety
- Eliminate immediate threats of significant damage to improved public or private property
- Ensure economic recovery of the affected community to the benefit of the community-at-large

Examples of eligible public facilities under the PA program include:

- Roads (non-Federal aid)
- Roads (Federal aid roads that may require subsequent debris collection passes after the "first pass")
- Sewage Treatment Plants • Airports • Schools • Buildings • Irrigation Equipment • Public Utilities • Bridges and Culverts

SUMMARY OF FEDERAL FUNDING DIFFERENCES

Overall Program Differences

- **For FHWA ER reimbursement contact the LADOTD Emergency Operations**
- For FEMA file a "Request for Public Assistance" with Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)
- **FEMA does not reimbursement for items eligible under the FHWA ER Program**
- Emergency and permanent categories are eligible under both programs
- FHWA project threshold minimum \$5,000, FEMA project threshold minimum \$1,000

Debris Removal

PUSH - pushing and clearing debris off the roadway

PASS - picking up and hauling away eligible debris from the road right of way

- **FHWA pays for the first pass on Federal Aid eligible roadways**
- **FEMA pays for subsequent passes on Federal Aid roadways if not funded under the ER program**
- FHWA reimburses 100% for first pass on Federal Aid eligible roadways for work completed in the first 180 days
- FEMA reimburses 75% for all passes on non-Federal Aid roadways for work completed within the first 180 days (private roads typically excluded)
- FEMA reimburses for the removal of hazardous trees and limbs in the interest of public safety
- FEMA pays for eligible stump grinding if it is the effective measure for safety reasons
- All debris passes on non-Federal Aid eligible roadways under FEMA is emergency work Category A
- Applicant must separate FHWA vs. FEMA quantities during the debris removal process

Permanent Repairs

- **Permanent repairs require FHWA authorization, no authorization required under FEMA PA as long the damages are disaster related on non-FHWA roads and bridges**
- Federal share varies under FHWA (interstate 90%, other federal-aid highways 80%, roads on federal lands 100%)
- Federal share remains constant under FEMA PA based on the applicable presidential disaster declaration
- Betterments improve and prevent future damages under FHWA
- Hazard mitigation prevents future damages under FEMA 406 Mitigation
- Both measures need to be cost effective determined by the cost benefit analysis

Contracts

- **FHWA and FEMA PA both usually require a proper bidding process.**
- FHWA Permanent Repairs must follow the normal FHWA letting process and cannot use Emergency contracting methods

DIRs & PWs

- FHWA uses Damage Inspection Reports (DIR) to document damages and costs.
- FEMA uses Project Worksheets (PW) to document damages and costs.
- Both programs control the scope of work, control quantities, but do not control unit prices or current market prices of labor, equipment, and materials as long as they meet reasonable cost
- DIRs are reviewed and approved by both LADOTD and FHWA
- Project Worksheets are reviewed by FEMA and GOHSEP. PWs greater than a million dollars will go to FEMA headquarters in Washington, DC for review and funding.
- Both DIRs and PWs require as much documentation as possible to be prepared and subsequently funded, this may include procurement documents, proposals, contracts, cost estimates, invoices, GPS coordinates, drawings, GIS maps, time sheets, expense forms, supply receipts, equipment logs, debris removal load tickets, landfill receipts, etc.

For Additional Information:

FEMA

www.fema.gov/government/grant/pa/index.shtm

FHWA

Louisiana Division Office (225) 757-7600

GOHSEP LA Public Assistance

http://www.louisianapa.com/_/public/resources.cfm

LADOTD

Emergency Operations: (225) 379-1792

<http://www.dotd.la.gov/operations/emergency/>

The LADOTD website address contains links to these documents:

- Louisiana Emergency Relief (ER) Funding Eligibility Maps
- LADOTD/FHWA ER Program Summary
- LADOTD/FHWA ER Program-Local Government Outreach
- FHWA ER Training Video, Part 1 and 2
- FHWA ER Program
- FHWA ER Manual
- FHWA Emergency Transportation Operations
- Federal Reimbursement Funding for Disasters (Brochure)
- LADOTD Administration of FHWA ER for Local Government